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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/081,417	02/22/2002	Rodney G. Moon	CHA920010020US1	1023
23550	7590	02/08/2006	EXAMINER	
HOFFMAN WARNICK & D'ALESSANDRO, LLC			MACKOWEY, ANTHONY M	
75 STATE STREET			ART UNIT	PAPER NUMBER
14TH FL				2623
ALBANY, NY 12207				

DATE MAILED: 02/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/081,417	MOON ET AL.	
	Examiner Anthony Mackowey	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 04 January 2006.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-3,5-10,12-16 and 18-22 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-3,5-10,12-16 and 18-22 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 22 February 2002 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on January 4, 2006 has been entered.

Response to Arguments

Applicant's arguments, see page 8, line 12 – page 9, line 10, filed January 4, 2006, with respect to the rejection(s) of claim(s) 1-22 under 35 U.S.C. 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of these arguments and will be discussed in the claim rejections below.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-3, 5-10, 12-16, 18-22 are rejected under 35 U.S.C. 112, first paragraph, as based on a disclosure which is not enabling. Details of a conversion system for converting the character data to a Magnetic Ink Character Recognition (MICR) format from a non-MICR format and a recognition engine for interpreting the converted character data using a MICR algorithm critical or essential to the practice of the invention, but not included in the claim(s) are not enabled by the disclosure. See *In re Mayhew*, 527 F.2d 1229, 188 USPQ 356 (CCPA 1976).

As can best be understood from the disclosure (page 2, first paragraph of the applicant's specification cites USPN 5,026,974 and USPN 6,243,504 as examples of well established MICR-based algorithms), as well as what Examiner believes to be well known in the art of magnetic ink character recognition, MICR format character data as obtained by a multigap MICR read head are signals produced as the read head traverses the code line, in which pulses are produced as the read head passes the boundaries of the magnetic and non-magnetic regions. The MICR character data is a signal image of the pulses generated by the read head (USPN 6,243,504, col. 2, lines 10-29), or in other words, a waveform. An example of the data obtained by a magnetic read head is shown in Fig. 7 of USPN 5,026,974.

Applicant's specification (page 5, line 8 – page 6, line 10) discloses the present invention optically scans in character data, which is inputted to a conversion system comprising a scaling system and a black and white format system. Examiner cites page 6, second paragraph reciting, "In addition to the scaling operation performed by scaling system, black and white format system converts scanned character data from a grey-

scale format to a black and white format. The result is a set of MICR format character data that has the equivalent specifications of data obtained by a multigap read head." Examiner respectfully submits scaling and binarization of optically scanned character data is not equivalent to signals/waveforms generated by a magnetic read head.

Page 6, lines 11-17 of the disclosure addresses the MICR recognition engine reciting, "The MICR format character data is then inputted to a MICR recognition engine that analyzes the data and outputs a set of recognized characters. MICR recognition engine may include any known MICR algorithm for interpreting the MICR format character data. As noted above, such MICR algorithms are well known in the art and therefore will not be described in further detail herein." Examiner submits that well-known MICR algorithms, as discussed by the Examiner above, recognize by comparing the waveforms obtained from the pulses generated by the magnetic read head with known characters (USPN 6,243,504, col. 2, lines 20-26).

As the specific details of the conversion system and the recognition system have not been included, it is not known if the conversion system performs further conversion steps converting the scaled and binarized character data to some form of pulse image/waveform that can be recognized by a conventional MICR algorithm, if the optically scanned character data is originally a waveform with positive and negative pulses as in a magnetically obtained waveform, or if the MICR algorithm is less a conventional algorithm which compares the pulse image/waveform such as that obtained from a magnetic read head and more an OCR algorithm for identifying E13B font.

As these details are essential to the practice of the invention, but not included in the claim(s) are not enabled by the disclosure, the Examiner is unable to perform a reasonable search of the prior art and make a proper comparison of the invention with the prior art.

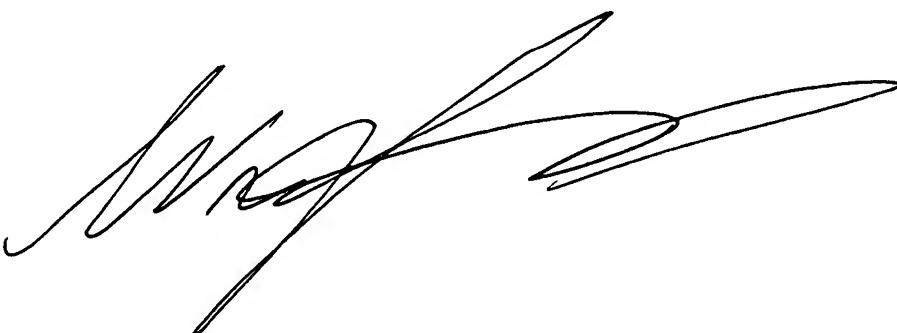
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony Mackowey whose telephone number is (571) 272-7425. The examiner can normally be reached on M-F 9:00-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta can be reached on (571) 272-7453. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AM
2/3/2006

A handwritten signature in black ink, appearing to read "Anthony Mackowey".